

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**Valtrus Innovations Ltd.**

**Plaintiff**

**v.**

**SAP America, Inc. and SAP, SE.**

**Defendants.**

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**CIVIL ACTION NO. 2:24cv21**

**JURY TRIAL DEMANDED**

**DECLARATION OF MATTHEW BERKOWITZ IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR INTRA-DISTRICT  
TRANSFER**

I, Matthew Berkowitz, declare as follows:

1. I am a partner at Reichman Jorgensen Lehman & Feldberg LLP. Reichman Jorgensen is counsel of record for Plaintiff Valtrus Innovations, Ltd. in the above-captioned case.

2. I submit this declaration based upon my personal knowledge and my investigation of the facts below. If called as a witness, I could and would testify competently to the matters set forth herein.

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

6. Attached hereto is as Exhibit D is a true and correct copy of SAP's Initial Disclosures, served on Valtrus on April 15, 2024.

7. Attached hereto as Exhibit E is a true and correct copy of a website printout from Google Flights showing the existence of direct flights from Atlanta to Shreveport.

8. Attached hereto as Exhibit F is a true and correct copy of Google Maps showing that the distance between SAP's Houston Office (located at 2601 Westheimer Road, Suite C250, Houston, TX 77098) and the Marshall Courthouse in the Eastern District of Texas (located at 100 E. Houston St. Marshall, Texas 75670) is 227 miles; a true and correct copy of Google Maps showing that the distance between SAP's Houston Office and the Plano Courthouse in the Eastern District of Texas (located at 7940 Preston Rd., Plano, Texas 75024) is 268 miles; and a true and correct copy of Google Maps showing that the distance between SAP's Houston Office and the Sherman Courthouse in the Eastern District of Texas (located at 101 E. Pecan St., Sherman, Texas 7509) is 331 miles.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. Attached hereto as Exhibit K is a true and correct copy of the “Contact HPE” page of Hewlett Packard Enterprise’s (HPE) website, listing an office address located at 1701 E Mossy Oaks Rd. Spring, TX 77389; a true and correct copy of an HPE blog article titled “HPE celebrates grand opening of Houston headquarters.”

14. Attached hereto as Exhibit L is a true and correct copy of Google Maps showing that the distance between HPE’s Spring Office (located at 1701 E Mossy Oaks Rd Spring, TX 77389) and the Marshall Courthouse in the Eastern District of Texas (located at 100 E. Houston St. Marshall, Texas 75670) is 205 miles; a true and correct copy of Google Maps showing that the distance between HPE’s Spring Office and the Plano Courthouse in the Eastern District of Texas (located at 7940 Preston Rd., Plano, Texas 75024) is 241 miles; and a true and correct copy of Google Maps showing that the distance between HPE’s Spring Office and the Sherman Courthouse in the Eastern District of Texas (located at 101 E. Pecan St., Sherman, Texas 7509) is 278 miles.

15. Attached hereto as Exhibit M is a true and correct copy of U.S. Patent No. 6,823,409, which is an asserted patent in this case.

16. Attached hereto as Exhibit N is a true and correct copy of the “Corporate Locations” page of AMD’s website, listing an office address located at 2002 Timberloch Place, Spring, TX 77380.

17. Attached hereto as Exhibit O is a true and correct copy of a compilation of true and correct copies of the LinkedIn profiles of SAP employees Muhammad Alam, Shashi (Reddy) M., Kevin Hester, Sara Mani, Elizabeth Carrier, Tami Morrison, and Milena Mathyl.

18. Attached hereto as Exhibit P is a true and correct copy of analysis from the website for the Marshall Economic Development Corporation comparing the cost of living in

Marshall with the U.S. average cost of living.

19. Attached hereto as Exhibit Q is a true and correct copy of analysis from the website Payscale comparing the cost of living in Plano to the U.S. average cost of living.

■ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21. Attached hereto as Exhibit S is a true and correct copy of Google Maps showing that the distance between AMD's Spring Office (located at 2002 Timberloch Pl, Spring, TX 77380) and the Marshall Courthouse in the Eastern District of Texas (located at 100 E. Houston St. Marshall, Texas 75670) is 207 miles; a true and correct copy of Google Maps showing that the distance between AMD's Spring Office and the Plano Courthouse in the Eastern District of Texas (located at 7940 Preston Rd., Plano, Texas 75024) is 237 miles; and a true and correct copy of Google Maps showing that the distance between AMD's Spring Office and the Sherman Courthouse in the Eastern District of Texas (located at 101 E. Pecan St., Sherman, Texas 7509) is 274 miles.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on May 31, 2024

/s/Matthew Berkowitz  
Matthew Berkowitz